

REMARKS

In the outstanding Official Action, claims 1-3 and 5-8 were rejected under 35 U.S.C. §102(e) over ANDERSON (U.S. Patent No. 6,683,649). Claim 4 was rejected under 35 U.S.C. §103(a) over ANDERSON.

Upon entry of the present amendment, claims 1-8 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. In this regard, the cancellation of claims 1-8 should not be considered an indication of Applicant's acquiescence with the propriety of the rejections. Rather, Applicant has presented a new set of claims in order to obtain early allowance of claims in the present application.

Applicant traverses the rejection of claims 1-3 and 5-8 under 35 U.S.C. §102 as anticipated by ANDERSON, as well as the rejection of claim 4 under 35 U.S.C. §103(a) as being obvious over ANDERSON. In this regard, Applicant respectfully submits that each of claims 9-16 recite a combination of features which are not disclosed, suggested, or rendered obvious by ANDERSON.

Initially, Applicant notes that claims 9 and 15 are directed to an "electronic still camera". Additionally the "electronic still camera" recited in claim 9 includes "a memory that stores a discrete image obtained in a still photographing operation". In other words, the "electronic still camera" recited in claim 9 stores a single image obtained by a single shot, and the cameras recited in both claims 9 and 15 are "electronic still cameras". In contrast,

ANDERSON is directed to an apparatus for creating a multimedia presentation (see col. 2, lines 40-41). Accordingly, the apparatus of ANDERSON is not an “electronic still camera” as recited in claims 9 and 15, and does not include a “memory that stores a discrete image obtained in a still photographing operation” as recited in claim 9.

Further, the “electronic still camera” recited in claim 9 includes “a memory... that stores, for each of a plurality of discrete images sequentially obtained in a continual still image photographing operation”. Additionally, claim 15 recites a similar feature, i.e., “a recording processor that continually records a plurality of discrete images... in a continual still image photographing operation”. Applicant respectfully submits that a video operation used to obtain “video” in ANDERSON is not a “continual still image photographing operation” used to obtain the “discrete images” as recited in claims 9 and 15.

Additionally, in the “continual still image photographing operation” according to claim 9, the “plurality of discrete images are taken at an interval time set by an operator”. Similarly, in claim 15, “a recording processor... continually records a plurality of discrete images at a predetermined interval set by an operator”. In contrast, ANDERSON does not disclose or suggest that an interval time of a video would be “set by an operator”.

Furthermore, claims 9 and 15 recite that the “memory... stores, for each... discrete images... a unique indicator that indicates whether said discrete image was sequentially recorded in the continual still image photographing operation”. In contrast, an MPEG video as disclosed in ANDERSON does not store any “unique indicator”, let alone an indicator for “each... discrete images” as recited in claims 9 and 15.

Accordingly, at least for each of the numerous reasons set forth above, Applicant respectfully submits that the features recited in claims 9 and 15 are not disclosed or suggested in ANDERSON (i.e., U.S. Patent No. 6,383,649). Applicant further submits that claims 10-14 and 16 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-8, as well as entry of new claims 9-16 and an indication of the allowability of each of the claims now pending, in view of the herein contained amendments and remarks.

CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has added new claims for consideration by the Examiner. Furthermore, Applicant has discussed the features recited in Applicant's claims and has shown how these features are not taught, disclosed nor rendered obvious by the references cited in the Final Official Action.

Any new claims which have been added by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Koichi SATO



Bruce H. Bernstein
Reg. No. 29,027

William Pieprz
Reg. No. 33,630

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191